

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 4. BANKING DEPARTMENT

PREAMBLE

1.	<u>Sections Affected</u>	<u>Rulemaking Action</u>
	R20-4-1501	Amend
	R20-4-1503	Amend
	R20-4-1506	Amend
	R20-4-1507	Amend
	R20-4-1508	Amend
	R20-4-1509	Amend
	R20-4-1510	Amend
	R20-4-1511	Amend
	R20-4-1512	Amend
	R20-4-1513	Amend
	R20-4-1514	Amend
	R20-4-1515	Amend
	R20-4-1516	Amend
	R20-4-1517	Repeal
	R20-4-1518	Amend
	R20-4-1519	Amend
	R20-4-1520	Amend
	R20-4-1521	Amend

2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 6-123(2)

Implementing statute: A.R.S. §§ 6-123(1), 32-1021, 32-1023, 32-1051, 32-1055

3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening, 8 A.A.R. 2177, May 17, 2002

Notice of Rulemaking Docket Opening, 10 A.A.R. 3193, August 13, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: John P. Hudock

Address: State Banking Department
2910 North 44th Street, Suite 310
Phoenix, AZ 85018

Telephone Number: 602-255-4421, ext. 167

Fax: 602-381-1225

E-mail: jhudock@azbanking.com

5. An explanation of the rules, including the agency's reasons for initiating the rules:

These Sections control the conduct of the collection agency business in Arizona. On November 7, 2000, the Council approved the department's then current 5-year-rule-review report. In the approved report the department promised to revise or repeal several Sections of Article 15. This rulemaking is to fulfill that promise.

In particular, all but one of these Sections will be amended to streamline the writing style and enhance the clarity of each Section's language.

This rulemaking also repeals one Section. It repeals R20-4-1517 for several reasons. First, the rule is not enforced. Second, the agency lacks statutory authority to make the rule. Third, the rule is an unconstitutional violation of the Separation of Powers Doctrine. Fourth, the issue of whether a collection agency is a "holder in due course" in a given factual situation is not likely to be a matter the courts would decide by reliance on an administrative pronouncement. The status of "holder in due course" is a question of fact to be determined from an analysis of the facts rather than from a weighing of an agency's quasi-legislative acts.

6. **A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study, and other supporting material:**

The department does not propose to rely on any study as an evaluator or justification for the rules.

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

A. The Banking Department

The department will incur the costs of completing this rulemaking and of putting the revised Sections into effect. It expects to receive the offsetting benefits of a more modern set of regulations, accurately describing current best practices, and a resultant ease of communication with all licensees.

B. Other Public Agencies

The State will incur normal publishing costs incident to rulemaking.

C. Private Persons and Businesses Directly Affected

Costs of services will not increase to any measurable degree; nor should these revisions increase any collection agency's cost of doing business in compliance with these rules.

D. Consumers

No measurable effect on consumers is expected.

E. Private and Public Employment

The department expects no measurable effect on private and public employment.

F. State Revenues

This rulemaking will not change state revenues.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: John P. Hudock

Address: Banking Department
2910 North 44th Street, Suite 310
Phoenix, Arizona 85018

Telephone Number: 602-255-4421, extension 167

Fax Number: 602-381-1225

E-mail: jhudock@azbanking.com

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

No oral proceeding is scheduled. The department will schedule an oral proceeding on the proposed rules if it receives a written request for a proceeding within 30 days after the publication date of this notice, under the provisions of A.R.S. § 41-1023(C). Send requests for an oral proceeding to the department personnel listed in items 4 and 9. The department invites and will accept written comments on the proposed rules or the preliminary economic, small business, and consumer impact statement. Submit comments during regular business hours, at the address listed in item 9, until the close of the record for this proposed rulemaking. The record will close on the 31st day following publication of this notice, unless the department schedules an oral proceeding.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

There is no material incorporated by reference in these rules.

13. The full text of the rules follows:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 4. BANKING DEPARTMENT

ARTICLE 15. COLLECTION AGENCIES

- R20-4-1501. Definitions
- R20-4-1503. Reports
- R20-4-1506. Articles of Incorporation; Bylaws;Organizing Governing Documents
- R20-4-1507. Representations of Collection Agency's Identity of Licensee
- R20-4-1508. Representations of the Law
- R20-4-1509. Representations as to Fees, Costs, and Legal Proceedings; Disinterested Counsel Required
- R20-4-1510. Representations as to Rights Waived or Remedies Available
- R20-4-1511. Prohibition of Harassment
- R20-4-1512. Contacts with Debtors and Others
- R20-4-1513. Cessation of Communication Contact with the Debtor
- R20-4-1514. Disclosure of Information to Debtor
- R20-4-1515. Aiding and Abetting
- R20-4-1516. Advertising
- R20-4-1517. ~~Holder in Due Course~~ Repealed
- R20-4-1518. Agreements with Clients
- R20-4-1519. Licensee Names and Control
- R20-4-1520. Representations of Collection Agency Employees' Identity or Position
- R20-4-1521. Duty of Investigation

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 4. BANKING DEPARTMENT

ARTICLE 15. COLLECTION AGENCIES

R20-4-1501. Definitions

In this Article, unless the context otherwise requires:

“Account” means a contractual arrangement between a client and a collection agency that obligates the collection agency to attempt to collect one or more debts on the client’s behalf.

“Active Manager” means the active manager person who is actually in charge active management of the conducting conduct of the office and collection agency’s business of any licensee as defined herein, and who meets the qualifications set forth listed in A.R.S. § 32-1023(A).

1. “Client” means any a person who has contracted with hired a collection agency with regard to the collection by the collection agency of collect any a debt for such person.
2. “Collection agency” means all persons required to obtain a collection agency license under Chapter 9, Title 32, Arizona Revised Statutes has the meaning in A.R.S. § 32-1001(A)(2).

“Contact” means to communicate with, and includes attempted communications.

3. “Credit bureau” or and “credit reporting agency” means any person engaged exclusively in the business of gathering, recording, and disseminating favorable, as well as unfavorable, information about relative to the credit-worthiness, financial responsibility, paying habits, and character of persons being considered for credit extension, so that a prospective creditor may be able to make a sound decision in the extension of credit.

4. "Creditor" means ~~any~~ a person who offers or extends credit creating a debt, or to whom a debt is owed ~~, but such~~. The term does not include any a person to the extent that he that receives an assignment or transfer of a defaulted debt in default solely for the purpose of facilitating collection of such use in collecting the debt for another someone else.
5. "Debt" means ~~any~~ a debtor's actual or claimed obligation or alleged obligation, of a debtor to pay money, whether or not such the obligation has been reduced to judgment.
6. "Debtor" means ~~any~~ a person obligated, or allegedly obligated, to pay a debt. The term also means a person claimed to be obligated to pay a debt.
7. "Licensee" means ~~the person to whom a license has been issued pursuant to A.R.S. § 32-1026.~~
- 8.
9. "Superintendent" ~~means the State Superintendent of Banks, or his authorized agent has~~ the meaning in A.R.S. § 6-851.

R20-4-1503. Reports

- A. A ~~licensee~~ collection agency shall notify the Superintendent in writing of any change in the officers, directors, partners, or active manager of the ~~licensee~~ collection agency ~~within not more than ten days of such~~ after the change. With the notice, the collection agency shall provide the Superintendent with and shall at the same time file a Statement of Personal History for each such new officer, director, partner, or active manager on the a form prescribed in R20-4-1410 obtained from the Department.
- B. A ~~licensee~~ collection agency shall notify the Superintendent in writing of any change in its

place of business ~~within ten~~ not more than 10 days of such after the change.

R20-4-1506. Articles of Incorporation; Bylaws ~~Governing~~ , Organizing Documents

- ~~A. Each corporate licensee shall file with the Superintendent one copy, certified by an officer of the licensee, of each amendment to the articles of incorporation and bylaws if any of the licensee, within ten days after the amendment has been adopted.~~
- ~~B. Each noncorporate licensee shall file with the Superintendent one copy, certified by the licensee or a partner or manager thereof, of each amendment to the partnership agreement or other governing documents under which the licensee conducts business, within ten days after the amendment has been adopted.~~
- A. A collection agency organized as a corporation shall file with the Superintendent a copy of each amendment to its articles of incorporation within 30 days after the amendment is adopted. Before filing with the Superintendent, an officer of the collection agency shall:
1. Certify the copy filed in compliance with this Section, in writing, signed by the certifying officer, attesting to the completeness, accuracy, and authenticity of the certified copy; and
 2. Ensure the copy bears a stamp affixed by the Arizona Corporation Commission to evidence filing with the Commission.
- B. A collection agency organized as a corporation shall file with the Superintendent a copy of each amendment to its bylaws within 10 days after the amendment is adopted. An officer of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.
- C. A collection agency not organized as a corporation shall file with the Superintendent a copy of each amendment to its organizing documents within 10 days after the amendment is

adopted. A partner, active manager, or agent of the collection agency shall certify the copy filed in compliance with this Section, in writing, attesting to the completeness, accuracy, and authenticity of the certified copy.

R20-4-1507. Representations of Collection Agency's Identity of Licensee

~~Each collection agency shall at all times in its contacts with its debtors, whether such contacts are written or oral, represent itself as a collection agency, but it shall not represent, either directly or indirectly, that it is a credit reporting agency or credit bureau when it is not such an entity, nor shall it represent, either directly or indirectly, that it is a law enforcement agency or that it is a law firm.~~

In all communications with debtors, either orally or in writing, all the following rules apply:

1. A collection agency shall represent itself as a collection agency.
2. A collection agency shall not claim to be a credit reporting agency or credit bureau if it is not.
3. A collection agency shall not claim to be a law enforcement agency.
4. A collection agency shall not claim to be a law firm.

R20-4-1508. ~~Representation~~ Representations of the Law

~~A collection agency shall not misrepresent to a debtor the state of the law, shall not send to any debtor any written material simulating legal process, and shall not represent or imply that the debtor is or may be subject to criminal prosecution or arrest as a result of his failure to pay the debt.~~

A collection agency shall not:

1. Misrepresent the state of the law to a debtor,
2. Send a debtor written material that simulates legal process, or

3. Represent or imply that a debtor is, or may be, subject to criminal prosecution or arrest because of a failure to pay the debt.

R20-4-1509. Representations as to Fees, Costs and Legal Proceedings; Disinterested Counsel Required

~~A collection agency shall not threaten to collect or attempt to collect any attorney's fee, collection cost or other fee not provided for in the contract establishing the debt between the debtor and his creditor, and a collection agency shall neither inform a debtor that legal proceedings against him have been initiated in court when, in fact, they have not, nor shall a collection agency threaten to institute legal proceedings or threaten to turn the account over to a lawyer when, in fact, such action is not then intended. A collection agency shall not file a lawsuit against a debtor unless such a lawsuit is filed by an attorney who has no personal or financial interest in that collection agency.~~

- A. A collection agency shall neither threaten to collect, nor attempt to collect, an attorney's fee, collection cost, or other fee that the debtor is not obliged to pay under the debtor's contract with the collection agency's creditor client.
- B. A collection agency shall not tell a debtor that legal proceedings have been started unless, in fact, a lawsuit has been filed against the debtor.
- C. A collection agency shall not threaten to start legal proceedings against a debtor unless the collection agency actually intends, at the time of the threat, to sue.
- D. A collection agency shall not threaten to turn an account over to a lawyer unless the collection agency actually intends to do so at the time of the threat.
- E. A collection agency shall not file a lawsuit against a debtor unless such a lawsuit is filed by an attorney who has no personal or financial interest in that collection agency.

R20-4-1510. Representations as to Rights Waived or Remedies Available

~~A collection agency shall not inform a debtor that, as a result of his failure to contact the collection agency, the debtor has waived, or will have waived, any right or defense legally due him, or that the collection agency may, by any process, circumvent the legal process, or otherwise misrepresent to the debtor any remedies available to the collection agency.~~

- A. A collection agency shall not tell a debtor that the debtor waives any legal right or legal defense by a failure to contact the collection agency.
- B. A collection agency shall not tell a debtor that the collection agency has the power or right to bypass the legal process.
- C. A collection agency shall not misrepresent the remedies available to the collection agency.

R20-4-1511. Prohibition of Harassment

~~A collection agency shall not engage in unauthorized or oppressive tactics designed to harass the debtor or others to pay any debt, including the use of any language, written or oral, tending to ridicule, disgrace or humiliate, or tending to imply, or actually implying, that the debtor is guilty of fraud or other crime. A collection agency shall not permit its agents, employees, representatives, or officers to employ obscene or abusive language against a debtor in connection with the attempt to collect any debt. A collection agency shall be liable for all the unlawful acts of its agents, employees, representatives or officers as provided for under A.R.S. § 32-1056(B).~~

- A. A collection agency shall not use oppressive tactics to harass any person to pay a debt.
- B. A collection agency shall not use written or oral communications to ridicule, disgrace, or humiliate any person.
- C. A collection agency shall not state or imply in written or oral communications that any person is guilty of fraud or any other crime.

D. A collection agency shall not permit its agents, employees, representatives, debt collectors, or officers to use obscene or abusive language in efforts to collect a debt.

E. A collection agency or its agents, employees, representatives or officers are subject to penalties listed in A.R.S. § 32-1056(B) for any violation of this Article, as well as other liabilities imposed under any other provision of law.

R20-4-1512. Contacts with Debtors and Others

~~If a collection agency contacts, or attempts to contact, a debtor by telephone in connection with the collection of a debt, such contact or attempt shall be made during reasonable hours only. A collection agency shall not threaten to contact, or contact, a debtor's neighbors, friends, relatives, employers, or other third parties to inform them of the debt, to ask them to pressure or coerce the debtor into paying the debt, or to ask that they, themselves, pay the debt where they are not legally obligated to pay the debt. A collection agency shall not contact a debtor at his place of employment unless a reasonable attempt has been made to first contact the debtor at his place of residence, and such attempt has failed. This rule shall not be construed, however, to prevent the lawful service upon third parties, including employers, of any writ of garnishment obtained after judgment has been rendered against the debtor for the debt being collected.~~

A. A collection agency shall contact a debtor by telephone only during reasonable hours. A collection agency shall make a reasonable attempt to contact a debtor at the debtor's residence. A collection agency may contact a debtor at the debtor's place of employment if a reasonable attempt to contact the debtor at the debtor's residence has failed.

B. A collection agency shall not contact a third party including a debtor's friend, relative, neighbor, or employer and:

1. Inform the third party of the debt;

2. Ask the third party to pressure the debtor into paying the debt, or;
 3. Ask the third party to pay the debt, unless the third party is legally obligated to pay the debt.
- C.** A collection agency shall not threaten to contact a third party listed in subsection (B) for any purpose listed in subsection (B).
- D.** Despite the other provisions of this Section, a collection agency may make lawful service on third parties, including employers, of a writ of garnishment or other writ in aid of execution after judgment has been entered against a debtor.

R20-4-1513. Cessation of Communication ~~Contact~~ with the Debtor

- A.** ~~A collection agency shall cease all contacts, direct or indirect, with the debtor if and when the debtor informs the collection agency that he is represented by an attorney and that further communications relative to the debt should be directed to such attorney. If, upon contacting such attorney, it is discovered that no bona fide attorney-client relationship exists, the collection agency may resume lawful contacts with the debtor.~~
- B.** ~~If a debtor notifies a debt collector in writing that the debtor refuses to pay a debt or that the debtor wishes the debt collector to cease further communication with the debtor, the debt collector shall not communicate further with the debtor with respect to such debt, except:~~
1. ~~To advise the debtor that the debt collector's further efforts are being terminated;~~
 2. ~~To notify the debtor that the debt collector or creditor may invoke special remedies which are ordinarily invoked by such debt collector or creditor; or~~
 3. ~~Where applicable, to notify the debtor that the debt collector or creditor intends to invoke a specified remedy. If such notice from the debtor is made by mail, notification shall be complete upon receipt.~~

- A. A collection agency shall stop contacting a debtor if the debtor tells the collection agency that the debtor is represented by a lawyer and wants the collection agency to communicate with the debtor through that lawyer. The collection agency may later contact the debtor if the collection agency contacts the lawyer named by the debtor and learns that the lawyer does not represent the debtor.
- B. A collection agency shall stop contacting a debtor if the debtor gives the collection agency written notice that the debtor:
1. Refuses to pay the debt, or;
 2. Wants the collection agency to stop all further communication with the debtor.
- C. Despite the provisions of subsection (B), a collection agency may contact a debtor to tell the debtor that the collection agency or the creditor:
1. Has stopped trying to collect the debt, or
 2. May invoke specific remedies that are customarily used by the collection agency or the creditor.
- D. The debtor's written notice under subsection (B) is effective upon receipt by the collection agency if delivered by mail.

R20-4-1514. Disclosure of Information to Debtor

~~A collection agency must disclose to the debtor from whom it is attempting to collect the debt the name of the creditor, the time and place of the creation of the debt, the merchandise, services or other things of value underlying the debt, and the date when the account was turned over to the collection agency by the creditor. A debtor shall have the right of access to a collection agency's books and records concerning the debtor or the debt. Upon request, the collection agency shall provide to the debtor without cost, copies of any document relevant to the debt or~~

~~its collection.~~

A. During any communication with the debtor, a collection agency shall tell the debtor:

1. The name of the creditor;
2. The time when, and the place where, the debtor agreed to pay the debt;
3. The merchandise, services, or other value provided in exchange for the debt; and
4. The date when the account was turned over to the collection agency by the creditor.

B. A collection agency shall give the debtor access to any of the collection agency's records that contain the information listed in subsection A.

C. At the debtor's request, the collection agency shall give the debtor, free of charge, a copy of any document from its records that contains the information listed in subsection A.

R20-4-1515. Aiding and Abetting

~~No person aid or abet, directly or indirectly, any other person in evading or violating any of the provisions of this Article or any of the provisions of Title 32, Arizona Revised Statutes.~~

A collection agency shall not help or encourage any other person to evade or violate any provision of:

1. This Article, or
2. A.R.S. Title 32, Chapter 9.

R20-4-1516. Advertising

~~No collection agency shall, by the use of any letterhead, advertisement, agreement, form, circular or other printed matter, or otherwise, convey the impression that it is vouched for or is the Superintendent of an agency or instrumentality of the state of Arizona, or that it is authorized to practice law.~~

A collection agency shall not use any form of communication to state or imply that it is:

1. Approved, bonded by, or affiliated with the state of Arizona;
2. A state agency;
3. The director of any state agency; or
4. Authorized to practice law.

R20-4-1517. ~~Holder in Due Course~~ Repealed

~~A licensee shall not be deemed a holder in due course even if he is an assignee for value, or otherwise gives value for the debt.~~

R20-4-1518. Agreements with Clients

~~All accounts whereby one or more claims for a debt or debts are placed for collection with a collection agency by a client, shall be set forth in a written agreement between client and collection agency, or shall be set forth in the form of a written acknowledgment of every account assigned, whether there be one or more claims. The written agreement or written acknowledgment shall be specific, intelligible, and unambiguous and shall set forth in full the parties, terms, rates and/or conditions upon which the collection is undertaken. The terms of the written agreement or written acknowledgment shall not violate the laws governing the unauthorized practice of law.~~

A collection agency's records shall document each client's account in writing. The records for an account shall include either a written agreement between the client creditor and the collection agency, or a written direction from the creditor to the collection agency concerning a specific debt placed for collection. The collection agency shall keep records that are specific, easily understood, and unambiguous. A provision of a written agreement or written direction that suggests the collection agency has authority to represent the client in court or to practice law in any other way is void and prohibited by this Section. The records for an account shall separately

state:

1. The names of the parties to the agreement or written direction,
2. The terms or rate of compensation paid to the collection agency,
3. The length of time the agreement or written direction is intended to be in effect, and
4. Any conditions regarding collection of a particular debt.

R20-4-1519. Licensee Names and Control

~~No license shall be issued in any name which may be confused with, or which is similar to, any federal, state, county or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as, or similar to, that of any existing licensee as would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive title which would distinguish it from a similar name licensed but operating in a different geographical area. No licensee shall do business under more than one name, under the same license.~~

A. The department shall not issue a license with a name that is:

1. Deceptively similar to, or may be confused with, any federal, state, county, or municipal government function or agency;
2. Descriptive of any business activity that the applicant does not actually conduct;
3. The same as, or similar to, the name of any existing collection agency, or;
4. Otherwise deceptive or misleading.

B. The department may permit the use of a name otherwise prohibited under subsection (A)(3) based on its analysis of whether the name includes geographic or other information that distinguishes it from the other collection agency.

C. A collection agency shall apply for and obtain a separate license for each business name it intends to use in Arizona.

R20-4-1520. Representations of Identity ~~or Position of~~ ; Collection Agency Employees

~~A. A collection agency or licensee shall not allow its agent, representative, employees or officers to represent other than their true position with the collection agency, or to claim or imply that they are attorneys if in fact they are not or to claim that they are public officials, peace officers or any other third party other than their true position, debt collector.~~

~~B. Before using a name other than his true name while engaged in the collection of a claim, a licensee shall set forth in a separate record of the agency the following:~~

~~1. True name of debt collector.~~

~~2. Name used other than true name and inclusive dates the name is used.~~

~~3. True physical home address and true mailing address.~~

~~4. A copy of the record of fictitious names shall be filed with the state Banking~~

~~Department on a semi-annual basis on July 1 and December 31 of each year. After the initial report is filed only changes need be reported to the Department.~~

A. A collection agency shall not allow its debt collector, agent, representative, employee, or officer to:

1. Misrepresent the person's true position with the collection agency,

2. Claim to be an attorney unless the person is licensed to practice law, or

3. Claim to be a public official, peace officer, or any other type of public employee.

B. In any communication with a debtor, a person working for a collection agency shall indicate that the person is a debt collector.

C. A collection agency shall keep a record of all fictitious names used by its debt collectors

during their employment. The collection agency shall record the information required by this subsection before permitting the use of a fictitious name. The collection agency shall file a copy of the record of fictitious names with the department on July 1 and December 31 of each year. After filing the initial report, a collection agency shall identify all changes to the record on July 1 and December 31 of each year. The collection agency's record of fictitious names shall include:

1. The true name of each debt collector that uses a fictitious name,
2. Each fictitious name used by the debt collector, together with the dates when the name is used, and
3. The residential street address and residential mailing address of each debt collector that uses a fictitious name.

R20-4-1521. Duty of Investigation

~~A collection agency shall, prior to continuing its collection efforts against the debtor, investigate any claim made by the debtor or his attorney that he is the wrong party, that the debt has been paid, that the debt has been discharged in bankruptcy, or any other reasonable claim that the debt is not owing. A collection agency shall furnish evidence of the debt to the debtor or his attorney if and when so requested.~~

A collection agency shall give copies of its evidence of the debt to the debtor or the debtor's attorney on request. After providing the evidence, but before continuing its collection efforts against the debtor, the collection agency shall investigate any claim by the debtor or the debtor's attorney that:

1. The debtor has been misidentified,
2. The debt has been paid,

3. The debt has been discharged in bankruptcy, or
4. The debt is not owed for any other valid reason.